

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA  
*Plaintiff*

v.

CHERRON MARIE PHILLIPS  
*Defendant*

No. 1:12-CR-872  
Judge Milton

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

AUG 19 2013

8-19-2013  
**FILED**

MOTION TO RESCIND DETENTION ORDER

Comes now, River Bey herein as "Aggrieved Party" on behalf of the "Defendant" CHERRON MARIE PHILLIPS to move this court for an order to rescind detention order pursuant to the Bail Reform Act and state as follows:

1. This matter comes before the Court on the Aggrieved Parties motion to rescind pretrial detention order pursuant to the Bail Reform Act. The Bail Reform Act provides that the Defendant shall be detained only if a judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the defendant as required for the safety of any other person and the community. 18 U.S.C. sec 3142 .
2. A detention hearing was held on November 9<sup>th</sup>, 2012 wherein the Prosecutor Nathan Stump stipulated the terms of the release stating the herein Aggrieved party to be a flight risk. There was no supporting evidence to support this allegation.
3. At the time of the hearing the aggrieved party was living with family, actively involved on community projects and labored as an independent contractor to maintain the needs of her family.

4. Aggrieved party currently cares for herself and two small children and in addition is responsible for other family members periodically.
5. In order to obtain a detention order, the Government must demonstrate either (1) by clear and convincing evidence that “no conditions other than detention will reasonably assure the safety of any other person and the community, “ United States v. Simms, 128 F. App’ x 314, 315 (4<sup>th</sup> Cir 2005), citing 18 U.S.C. section 3142 (f)(2); or (2) by preponderance of the evidence that detention is necessary to reasonably assure the appearance of the defendant at future court proceedings. United States v. Stewart, 19 F. App’ x 46, 48 (4<sup>th</sup> Cir. 2001)
6. Aggrieved party has not demonstrated that she is a flight risk or a danger to the community, moreover the opportunity to continually prepare for case call management in addition to other obligations makes it difficult under the restrictive time constraints.

**WHEREFORE**, Aggrieved party respectfully moves this court to release its order of detention, as there is no evidence before the court to persuade it any further.

Respectfully Submitted

By: \_\_\_\_\_



Cherron M. Phillips  
c/o P.O Box 802625  
Chicago Illinois [60680]

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA  
*Plaintiff*

v.

CHERRON MARIE PHILLIPS  
*Defendant*

No. 1:12-CR-872  
Judge Milton L. Shadur

AFFIDAVIT IN SUPPORT OF MOTION

1. I, River Bey am the Aggrieved Party in the above matter.
2. A detention hearing was held on November 9<sup>th</sup>, 2012 wherein the Prosecutor Nathan Stump stipulated the terms of the release stating the herein aggrieved party to be a flight risk. There was no supporting evidence to support this allegation.
3. On November 9<sup>th</sup>, 2012 as a condition of my release I was placed on home detention pursuant to the Bail Reform Act.
4. At the time of the arrest I was self-supporting and the sole support of my children and myself.
5. At the time of the arrest I had strong community ties, and my entire lifestyle and mission strongly suggests that I was not a flight risk or a danger to the community.
6. As an independent contractor it is a business need to travel within the Chicago area and the outlying suburbs from time to time for the purpose of risk assessment and risk management.
7. That the current restriction limits that capability in addition to other obligations that is required of me at this time.

8. That the government has not presented any evidence, which poses a serious risk of flight or danger to the community or to prove otherwise.
9. To date aggrieved party has attended all hearings when scheduled by the court and fulfilled all conditions of the bond.

Wherefore, I respectfully request this court enter an order to release it order of detention, as there is no evidence before the court to persuade any further.

Further Affiant Sayeth Naught

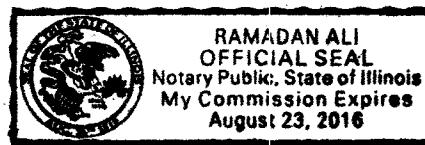
By: *River Bey*

ACKNOWLEDGMENT

Cook county )  
Illinois state ) affirmed and subscribed  
United States of America)

Subscribed and affirmed before me on this 15<sup>th</sup> day of August, 2013, by  
RIVER BEY, Proved to me on the basis of satisfactory evidence to  
be the person(s) who appeared before me.

*Ramadan Ali*  
Notary Public



### AFFIDAVIT OF SERVICE

Cook county )  
Illinois state ) affirmed and subscribed  
United States of America )

It is hereby affirmed and certified that on the date noted below, the undersigned mailed to:

United States District Court  
Clerk of the Court  
219 S. Dearborn  
Chicago IL 60604

Stephen R. Wigginton U.S. Attorney  
Nathan D. Stump AUSA  
U.S. Attorney's Office  
9 Executive Drive  
Fairview Heights, IL 62208

#### Certificate of Mailing

Hereinafter "Recipient(s) the documents and sundry paper regarding United States v. Phillips  
No. 1:12-cr- 0872 as follows:

1. Notice of Motion
2. Motion to Rescind Detention Order
3. Affidavit in Support of Motion

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 15th, 2013

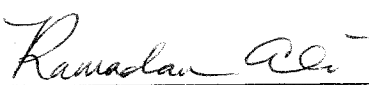
  
\_\_\_\_\_  
Affiant

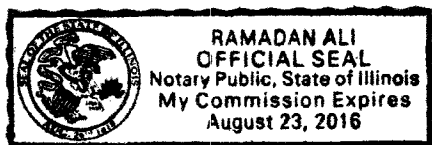
T. Hoyer  
c/o 9449 S Kedzie  
Evergreen Park Illinois 60805

#### JURAT

Cook county )  
Illinois state ) affirmed and subscribed  
United States of America )

Subscribed and sworn to (or affirmed) before me on this 15<sup>th</sup> day of August, 2013  
by T. Hoyer proved to me on the basis of satisfactory evidence to  
be the person(s) who appeared before me.

  
\_\_\_\_\_  
(Signature of notarial officer)



Title: \_\_\_\_\_ Notary Public

Printed Name: RAMADAN ALI